

REMARKS**I. Status of the Claims**

Claims 14-19 have been added and do not add new matter.

Claims 1-5, 7-9 and 12-13 have been amended and do not add new matter.

Claim 11 has been cancelled without prejudice or disclaimer of the subject matter therein.

Claim 10 was previously cancelled.

Claims 1-9 and 12-19 are pending.

Claims 1, 2, 3, 5 and 11 have been objected to for informalities. Applicant has amended the claims to correct the informalities and respectfully request the withdrawal of the objection.

II. Allowable Subject Matter

Applicant thanks the Examiner for the indications that claim 11 contains allowable subject matter. Claim 11 has been cancelled and its elements have been added to claim 1. Further, Applicant notes that claims 2, 3, 8, 9, 12, and 13 have not been rejected under prior art grounds. Applicant has corrected the informalities and rejections to form and respectfully submit that the claims are in condition for allowance. Particularly, claims 2 and 3 have been amended to be in independent form. Claims 8 and 9 depend from claim 2 and claims 12 and 13 depend from amended claim 1.

III. Rejections under 35 U.S.C. § 112

Claims 2, 3, 8, 9, 12 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to distinctly claim the subject matter which comprises the present invention.

Claims 2-3, 8-9, and 12-13 have been amended to clarify the confusing aspects of the claims. Specifically, claim 2 has been amended to recite “aromatic particle”. A particle has an effective diameter and the particle is contained in the fragrance container because, when the container is not stressed, the pore size is smaller than the diameter of the particle.

Claim 3 has been amended to recite a “vapor of fragrance” is released when “the fragrance release pores are open,” thus rendering the claim definite. Claim 8 has been amended to recite that the “member” has proper antecedent basis.

Claim 9 recites that “at least one of said injection hole and said exhaust hole”. Applicant submits that the above claim language is proper terminology to claim elements both inclusively and in the alternate and is proper under 35 U.S.C. § 112. Further, claim 9 has been amended to recite that at least one of the holes changes shape to allow the fragrance to pass through.

Claim 12 has been amended to recite that the “cap member includes a connecting part to connect the fragrant ornament with an accessory.” Support for this element is found in the Specification, on page 10, lines 12-15. The amendment corrects the informality noted by the Examiner. Claim 13 has been amended according to the Examiner’s helpful suggestion.

Applicant has addressed all rejections under 35 U.S.C. § 112, second paragraph, and respectfully submits that claims 2-3, 8-9, and 12-13 are definite and requests that the rejections be withdrawn.

IV. Rejection Under 35 U.S.C. § 102

Claims 1 and 4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,705,541 to Schuehrer et al. (“Schuehrer”).

Applicant has amended claim 1 to contain the elements of claim 11. The Examiner has identified the elements of claim 11 as allowable subject matter and Applicant submits that claim 1 is allowable. Further, claim 4 has been amended to depend from claim 2 and claim 2 has not been rejected under prior art grounds and all informalities have been corrected. Thus, Applicant submits that claim 4 is allowable. Applicant respectfully requests that the rejection be withdrawn.

V. Rejections Under 35 U.S.C. § 103

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Schuehrer and the Examiner's statement of ordinary skill in the art.

Applicant submits that claims 5-7 have been amended to depend from claim 2 and claim 2 has not been rejected under prior art grounds and all informalities have been corrected. In light of the above, Applicant respectfully submits that claims 5-7 are in condition for allowance.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If there are any other issues remaining to be examined or believed to be resolved by a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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